

EXHIBIT 102

In the Matter Of:

UNITED STATES OF AMERICA v

GOOGLE, LLC

ITAMAR SIMONSON, PH.D.

February 28, 2024



1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF VIRGINIA
3 ALEXANDRIA DIVISION

4 - - -

5 UNITED STATES OF : CASE NO.
6 AMERICA, et al., : 1:23-cv-00108
7 : -LMB-JFA
8 Plaintiffs, :
9 v. :
10 GOOGLE, LLC, :
11 Defendant. :
12 - HIGHLY CONFIDENTIAL -

13 - - -

14 February 28, 2024

15 - - -

16 Videotaped deposition of
17 ITAMAR SIMONSON, Ph.D., taken pursuant to
18 notice, was held at the law offices of
19 Paul, Weiss, Rifkind, Wharton & Garrison
20 LLP, 2001 K Street, NW, Washington, D.C.,
21 beginning at 9:32 a.m., on the above
date, before Michelle L. Gray, a
Certified Shorthand Reporter, Registered
Professional Reporter, Certified Court
Reporter, Certified Realtime Reporter,
and Notary Public.

22 - - -

23

24

	Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 US DEPARTMENT OF JUSTICE, ANTITRUST DIVISION BY: JULIA TARVER WOOD, ESQ. 4 BY: CHASE PRITCHETT, ESQ. (In person) 5 450 Fifth Street, NW Suite 8700 6 Washington, D.C. 20530 202.307.0924 7 julia.wood@usdoj.gov chase.pritchett@usdoj.gov 8 - and - 9</p> <p>10 US DEPARTMENT OF JUSTICE, ANTITRUST DIVISION BY: AARON M. SHEANIN, ESQ. 11 (In person) 450 Golden Gate Avenue 12 Suite 10-0101 San Francisco, California 94102 13 aaron.sheanin@usdoj.gov Representing the United States of 14 America 15 16 17 18 19 20 21 22 23 24</p>	<p>1 APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 FRESHFIELDS BRUCKHAUS DERINGER LLP BY: LAUREN KAPLIN, ESQ. 4 (Zoom) 700 13th Street, NW 5 10th Floor Washington, D.C. 20005 6 202.777.4500 lauren.kaplin@freshfields.com 7 Representing the Defendant, Google and the Witness 8 9 NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL 10 ANTITRUST DIVISION BY: MORGAN JESSEN FEDER, ESQ. 11 8 Liberty Street Floor 20 12 New York, New York 10005 212.416.8288 13 Representing the State of New York 14 ALSO PRESENT: 15 16 VIDEOTAPE TECHNICIAN: Jason Levin - in person (Lexitas) 17 18 ZOOM MONITOR: 19 Nathaniel Avila - Zoom (Lexitas) 20 21 Sue Majewski - Economist (DOJ) - in person 22 Claire Cushman - Paralegal (DOJ) - in person 23 24</p>	Page 4
	Page 3	Page 5
<p>1 APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP BY: MEREDITH R. DEARBORN, ESQ. 4 (In person) 535 Mission Street 5 24th Floor San Francisco, California 94105 6 628.432.5100 mdearborn@paulweiss.com 7 - and - 8</p> <p>9 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP BY: CARTER GREENBAUM, ESQ. 10 (Zoom) 1285 Avenue of the Americas 11 New York, New York 10019 212.373.3000 12 cgreenbaum@paulweiss.com 13 - and - 14 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP 15 By: ANITA Y. LIU, ESQ. (In Person) 16 BY: MARTHA GOODMAN, ESQ. (Zoom) 17 2001 K Street, NW Washington, D.C. 20006 18 202.223.4363 aliu@paulweiss.com 19 mgoodman@paulweiss.com Representing the Defendant, Google 20 and the Witness 21 22 23 24</p>	<p>1 - - -</p> <p>2 I N D E X</p> <p>3 - - -</p> <p>4</p> <p>5 Testimony of: ITAMAR SIMONSON, Ph.D.</p> <p>6</p> <p>7 By Ms. Wood 8, 385</p> <p>8 By Ms. Dearborn 381</p> <p>9</p> <p>10 - - -</p> <p>11 E X H I B I T S</p> <p>12 - - -</p> <p>13</p> <p>14 NO. DESCRIPTION PAGE</p> <p>15 Simonson Exhibit 1 Expert Report 11</p> <p>16 Itamar Simonson 1/23/24</p> <p>17 Simonson</p> <p>18 Exhibit 2 Appendix B 12 Testimony List Of Simonson</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	Page 5

	Page 6	Page 8
1	- - -	follows:
2	DEPOSITION SUPPORT INDEX	- - -
3	- - -	EXAMINATION
4		- - -
5	Direction to Witness Not to Answer	BY MS. WOOD:
6	PAGE LINE PAGE LINE PAGE LINE	Q. Good morning, Professor
7	None.	Simonson. We met off the record. My
8	Request for Production of Documents	name is Julia Wood. I'm from the United
9	PAGE LINE PAGE LINE PAGE LINE	States Department of Justice. I'll be
10	None.	asking you some questions today.
11	Stipulations	Can you state your full name
12	PAGE LINE PAGE LINE PAGE LINE	for the record.
13	None.	A. Itamar Simonson.
14	Questions Marked	Q. And do you still reside at
15	PAGE LINE PAGE LINE PAGE LINE	your address in Burlingame, California?
16	None.	A. Partially. I do have that
17		address, but I actually spend more time
18		in Seattle. Now that I'm emeritus
19		professor and no longer teach, I spend
20		most of my time in Seattle, where my kids
21		and grandkids reside.
22		Q. And where is that in
23		Seattle?
24		A. It's 5416 Kirkwood Place
	Page 7	Page 9
1	- - -	1 North, Seattle, 98103.
2	THE VIDEOGRAPHER: We are	2 Q. All right. And you
3	now on the record.	3 understand that you're under oath today,
4	My name is Jason Levin.	4 correct?
5	I'm a videographer retained by	5 A. Yes.
6	Lexitas.	6 Q. And you are expected to
7	Today's date is	7 testify to the truth, and anything that
8	February 28, 2024, and the video	8 you say today can be used by the
9	time is 9:32 a.m. Eastern.	9 Department of Justice in civil, criminal,
10	This deposition is being	10 administrative, or regulatory cases or
11	held at the offices of Paul Weiss	11 proceedings?
12	in Washington, D.C., in the	12 A. Yes.
13	matter of USA versus Google.	13 Q. Okay. And is there anything
14	The deponent is Dr. Itamar	14 that would prevent you from giving
15	Simonson.	15 complete and accurate information today?
16	All counsel will be noted	16 A. No.
17	on the stenographic record.	17 Q. As you can see, we have a
18	The court reporter is	18 court reporter here and a videographer
19	Michelle Gray and will now swear	19 here today. It's important for the court
20	in the witness.	20 reporter to be able to take down
21	- - -	21 everything that is said. So I would ask
22	... ITAMAR SIMONSON, Ph.D.,	22 you to give verbal answers instead of
23	having been first duly sworn, was	23 nodding the head, and I'd ask you to
24	examined and testified as	24 speak loudly and clearly and also to wait

Page 70	Page 72
1 not give -- not estimate. 2 Q. Do you have a range of hours 3 that you would feel comfortable 4 testifying to? 5 A. Not really. I mean, I don't 6 think it will be meaningful if I'd say 7 it's between 100 and, I don't know, some 8 higher number. I'm not sure it will be 9 very meaningful. 10 And as I said, I don't feel 11 comfortable giving you any number, given 12 the fact that I'm -- I'm just really 13 not -- I don't have a good estimate. 14 MS. WOOD: Whoever is on 15 the phone, if you could please 16 mute your line. We're hearing 17 feedback from the phone. 18 If that continues to be a 19 problem, we will terminate the 20 remote session. 21 BY MS. WOOD: 22 Q. You have records of the 23 number of hours that you've worked on the 24 matter?	1 Analysis Group work under your direction? 2 A. Yes. 3 Q. But they are paid by Google, 4 correct? 5 A. Yes. 6 Q. And you receive a percent -- 7 15 percent of whatever they are paid by 8 Google? 9 A. Yes. 10 Q. Who made the decision to use 11 Advertiser Perceptions in connection with 12 this matter? 13 A. I did. 14 Q. And when did you make that 15 decision? 16 A. I don't recall, exactly. It 17 would be, I think, the summer of 2023. 18 Q. 2023? 19 A. Yeah. Maybe slightly before 20 that. Maybe. I don't know if June is 21 part of the summer. But -- I don't 22 remember exactly, but it was around that 23 time period. 24 Q. When did Analysis Group
Page 71	Page 73
1 A. Yes. 2 Q. And you're preserving those 3 records, right? 4 A. Yes. 5 Q. In your report, you indicate 6 that you also receive compensation based 7 on the professional fees of Analysis 8 Group. What percentage of Analysis 9 Group's fees do you receive? 10 A. 15 percent. 11 Q. Have you worked with 12 Analysis Group before? 13 A. I can think of three other 14 matters. 15 Q. How many people at Analysis 16 Group are working with on you this 17 matter? 18 A. I'd say my -- the primary 19 team consists of perhaps five, five 20 people, maybe six people. But I assume 21 that others, with whom I'm less familiar, 22 have been involved in some limited 23 capacity. 24 Q. And did those individuals at	1 begin working on this matter? 2 A. In 2021. Soon after I 3 started working on this case. 4 Q. And how did you make the 5 decision to use Advertiser Perceptions on 6 this matter? 7 A. So I think, obviously, that 8 was an important decision, and I wanted 9 to do my due diligence, if you will, on 10 that issue. So I learned about them, 11 looked at other surveys or survey reports 12 they have done. I interviewed a couple 13 of people from Advertiser Perceptions. I 14 think -- and I read about them, whatever 15 I could find on the internet. 16 Q. Did you consider any other 17 entities to perform that role? 18 A. I mean, initially, I think 19 there were some other names that came up, 20 but I don't think any of them -- that 21 there was anyone I could find that had 22 the capability to undertake such a 23 survey. 24 I mean, not to -- I guess,

Page 74	Page 76
1 not to brag, but this is a pretty 2 complicated survey that required access 3 to many advertisers and ad agencies, and 4 I came to the conclusion that AP, or 5 Advertiser Perceptions, is competent and 6 has the panel of respondents that would 7 allow me to conduct this survey, you 8 know, as it should be. 9 Q. Did you first learn about AP 10 from Google? 11 A. No. 12 Q. How did you first learn 13 about AP? 14 A. I think I worked with the 15 team at Analysis Group, and we were 16 looking for companies that could help us 17 conduct such a survey. And I think there 18 was some names, and I think that the 19 conclusion eventually was that there was 20 really -- as far as we could tell, there 21 was one company that had the capability 22 to conduct such a survey, and that was 23 AP. 24 Q. What were the other names	1 Q. Did Katie and Andy end up 2 working on the matter? 3 A. I believe so. Perhaps Katie 4 even more so. 5 Q. Do you remember their 6 titles? 7 A. I -- I do not. 8 Q. Do you remember their 9 functions, even if you don't remember 10 their title? 11 A. If I'm not wrong, they're 12 executive vice president or vice 13 presidents. I'm not sure. 14 Q. Okay. And you don't 15 remember Katie's last name or Andy's last 16 name? 17 A. I do not. 18 Q. And Advertiser Perceptions 19 were retained by whom? 20 A. Not by me, technically 21 speaking. 22 So I'm not sure exactly who 23 formally retained them. 24 Q. And did Advertiser
Page 75	Page 77
1 that came up? 2 A. I don't recall. 3 Q. You don't recall any of 4 them? 5 A. Any of them. As I said, it 6 was a very short -- someone at AG said, 7 well, I saw some -- 8 MS. DEARBORN: You do not 9 need to disclose any -- 10 THE WITNESS: Okay. 11 MS. DEARBORN: -- 12 communications between yourself 13 and consulting staff at -- 14 THE WITNESS: Okay. 15 MS. DEARBORN: -- at 16 Analysis Group, under our expert 17 stipulation. 18 THE WITNESS: Okay. Sure. 19 BY MS. WOOD: 20 Q. Who were the people at AP 21 that you interviewed? 22 A. I remember their first 23 names. One was Katie, the other one was 24 Andy.	1 Perceptions work at your direction? 2 A. Yes. I mean, I should note 3 that Analysis Group also interacted with 4 them. 5 Q. So at times, Advertiser 6 Perceptions took direction from Analysis 7 Group? 8 A. Yes. 9 Q. And you had not worked with 10 Advertiser Perceptions before this 11 matter, correct? 12 A. That's correct. 13 Q. At the time that you decided 14 to use Advertiser Perceptions on this 15 matter, were you aware that Google had 16 used them in the past for surveys? 17 A. Yes. 18 Q. Do you know how many people 19 from Advertiser Perceptions are working 20 on this matter or have worked on this 21 matter? 22 A. I'm not aware of -- other 23 than those two, I'm not familiar with 24 that. I mean, just in general when I

	Page 106	Page 108
1	they are the ads often appearing at the top. Not always. In the past they were on the right-hand side.	1 going back on the record at 2 11:25 a.m.
3	Then there are the organic results.	3 BY MS. WOOD:
5	So these are all kinds of listings that are -- that appear as a consequence of a particular search.	4 Q. Mr. Simonson, in connection with your work on this matter, you arranged for 14 preliminary interviews to be conducted; is that right?
7		8 A. Right.
9		9 Q. What's the purpose of a preliminary interview?
10	BY MS. WOOD:	10 A. It depends. I can tell you what it was in this case.
11	Q. And other than the surveys that are described in your report, which has been marked as Simonson Exhibit 1, did you conduct any other surveys in connection with your work on this matter?	13 Q. Well, first, I'd like to know in general terms, why are preliminary interviews conducted in connection with surveys?
12	A. No.	17 A. I think it varies. And I should note that in most surveys in which I've been involved, I did not conduct preliminary interviews.
13	Q. Did you conduct any other preliminary interviews, other than the preliminary interviews of advertisers that are described in Simonson Exhibit 1?	21 Q. How often do you conduct preliminary interviews? What percentage of the surveys in which you're involved do you conduct preliminary interviews?
14	A. No.	
15	Q. You conducted no interviews with publishers?	
	Page 107	Page 109
1	A. That's correct.	1 A. I -- very low. I cannot recall the last time I did.
2	Q. And no interviews with	3 Q. So less than 10 percent?
3	AdTech providers?	4 A. Well below less 10 percent.
4	A. Right.	5 Q. So less than 5 percent?
5	Q. At any point in time during your work in this matter, did you consider conducting a survey other than the surveys that were described in Simonson Exhibit 1?	6 A. Yes.
6		7 Q. And why is that?
7		8 A. And we are talking about
8		9 litigation.
9		10 In general, I -- I rely on my judgment and my experience conducting thousands of surveys. Most questions are
10	A. No.	11 questions that I've used before in
11	MS. DEARBORN: We've been	12 different contexts, so I have no -- no
12	going about an hour and	13 need to have qualitative interviews.
13	40 minutes. Are you okay? Do	14
14	you need a break?	15 Q. So what was different here?
15	THE WITNESS: I'm okay, but	16 A. So as I said, in this case,
16	whatever --	17 I wanted -- we talked earlier about
17	MS. WOOD: We can take a	18 Advertiser Perceptions. I was curious to
18	break if you'd like a break.	19 see -- to hear interviews with the kind
19	MS. DEARBORN: Sure.	20 of people that -- who will later
20	THE VIDEOGRAPHER: We're	21 participate in the survey.
21	going off the record at	22
22	11:09 a.m.	23 So I just -- you know, these
23	(Short break.)	24 were advertisers or agencies, and I just
24	THE VIDEOGRAPHER: We are	

Page 178	Page 180
1 Q. I'd like you to turn to 2 Question 20 of the preliminary interview 3 guide. It's on Page D-5. 4 Question 20 asked 5 interviewers whether they define display 6 advertising to include ads on social 7 media sites, in-app ads, instream and 8 outstream video ads, and direct ads. 9 Do you see that? 10 A. Yes. 11 Q. And did you get answers to 12 that from the 14 preliminary interviews? 13 A. I believe so, yes. 14 Q. And what were the answers to 15 that? 16 A. I do not recall. 17 For the reasons that I just 18 indicated, the content of the answers was 19 not particularly important, given the 20 limited purpose of those preliminary 21 interviews. 22 Q. And you made a decision not 23 to ask that particular question in the 24 survey that you ultimately launched,	1 Q. Question 23 of the 2 preliminary interview guide asks the 3 participant what they view as 4 alternatives to certain types of display 5 ads. 6 Do you see that? 7 A. Yes. 8 Q. And Question 23 asks whether 9 interviewees viewed social, in-app, 10 video, and direct ads as alternative to 11 display ads. 12 Do you see that? 13 MS. DEARBORN: Form. 14 THE WITNESS: I do. 15 BY MS. WOOD: 16 Q. And did the participants 17 answer that question? 18 A. I don't recall specifically, 19 but I assume so. 20 Q. And do you recall what 21 answers they gave about whether they 22 viewed social, in-app, video, and direct 23 ads as alternative to display ads? 24 A. I do not recall the answers,
Page 179	Page 181
1 correct? 2 A. Certainly not. I defined 3 those terms. 4 Q. But you didn't ask 5 respondents to the survey whether they 6 would consider display advertising to, 7 for example, include advertising on 8 social media sites, correct? 9 MS. DEARBORN: Form. 10 THE WITNESS: I did not 11 ask, nor would it provide any 12 useful information. 13 BY MS. WOOD: 14 Q. And you took no notes, and 15 you're not aware of anyone else taking 16 notes, about the responses that the 17 14 preliminary interview participants 18 gave on those questions, correct? 19 A. That's correct. 20 MS. DEARBORN: Objection to 21 form. Asked and answered. 22 THE WITNESS: That's 23 correct. 24 BY MS. WOOD:	1 for the reasons that I already explained. 2 Q. And again -- 3 A. It was not important. 4 I just wanted to see -- to 5 hear how they talk about it, but that was 6 not the purpose of those preliminary 7 interviews. 8 And the respondents are not 9 economists. They are not definers of 10 segments. And so -- and so I was not 11 going to rely on their answers of -- of 12 these respondents. 13 But I just wanted to hear 14 how they talk about it. 15 Q. But having heard their 16 answers to these questions, you chose not 17 to ask that question in the online 18 survey, correct? 19 MS. DEARBORN: Objection to 20 form. 21 THE WITNESS: Of course 22 not, for the reasons that I just 23 indicated. 24 BY MS. WOOD:

Page 182	Page 184
1 Q. And did the answers to 2 Questions 20 and 23 influence any 3 decisions you made on how to write the 4 survey? 5 A. No. 6 Q. Why not? 7 A. I designed the survey based 8 on my, I would say, extensive experience 9 and expertise in conducting thousands of 10 surveys and evaluating thousands of 11 surveys. And I tried to ask questions 12 that I think are meaningful and are 13 questions that respondents are capable of 14 providing informative answers to. 15 These would not be among 16 those questions, so that's why I did not 17 include them. They would -- they would 18 be bad questions for the general survey. 19 Q. Why would the Questions 20 20 and 23 be bad questions for the general 21 survey? 22 MS. DEARBORN: Form. 23 Go ahead. 24 THE WITNESS: As I said,	1 Q. They could provide answers 2 to those questions as to how they, as 3 participants in the industry, view those 4 advertising questions, correct? 5 MS. DEARBORN: Form. 6 THE WITNESS: I don't know 7 if they can. I mean, you -- as I 8 said, I don't think that they are 9 in the position. 10 That saying, we know from 11 my survey that social is a 12 substitute for display. And I 13 prefer to test it in that way, as 14 opposed to asking them 15 pointblank, assuming they have 16 some insights and they are 17 familiar with definitions and 18 somehow they can say -- define 19 what is meant by alternative. 20 I mean, after all, 21 advertisers want to reach their 22 customers, prospective customers, 23 and get them to like their brand, 24 to buy their product, and so on.
Page 183	Page 185
1 respondents are not economists. 2 They are not antitrust attorneys. 3 They don't define segments. It's 4 not something they can provide 5 meaningful answers to. 6 And, therefore, while they 7 were asked in these preliminary 8 interviews, it would have been a 9 mistake to ask such questions in 10 the actual questionnaire. 11 BY MS. WOOD: 12 Q. Why would that be a mistake? 13 A. I thought I just answered 14 that. 15 Q. Why would it be a mistake to 16 ask them, even though they are not 17 economists or antitrust specialists? 18 MS. DEARBORN: Object to 19 form. Asked and answered. 20 THE WITNESS: I mean, they 21 are not in a position to provide 22 informative answers to such 23 questions. 24 BY MS. WOOD:	1 And I think that's the question. 2 You can reach those people 3 using banner ads. You can use, 4 you know, Facebook, for example. 5 Maybe for some -- some cases you 6 can use Amazon. They have 7 different ways to reach 8 prospective customers and get 9 them to take whatever action or 10 to form judgment that you're 11 interested in. 12 And, therefore, these -- 13 these digital advertising 14 categories, I mean, there -- you 15 can say they are alternatives. 16 Obviously, that was -- that is 17 something that was tested in the 18 survey. 19 BY MS. WOOD: 20 Q. But what do you recall about 21 their answers to Questions 20 and 23, 22 about whether they viewed them as 23 alternatives? 24 A. They don't --

Page 186		Page 188	
1	MS. DEARBORN: Objection to	1	any of those four or five interviews?
2	form. Asked and answered.	2	MS. DEARBORN: Objection to
3	THE WITNESS: Yeah, I	3	form.
4	already -- as I said, given the	4	THE WITNESS: Not much.
5	limited purpose of those	5	As I said, I could tell
6	interviews, I didn't think it was	6	that these people are familiar
7	important to remember their	7	with their companies' or business
8	specific answers.	8	units' advertising decisions,
9	BY MS. WOOD:	9	what they use, and so on. That
10	Q. And you make a rule not to	10	was about it.
11	take notes?	11	As I said, it was part of
12	MS. DEARBORN: Form.	12	-- part of my assessment of AP
13	THE WITNESS: There was no	13	and its panel and just wanted to
14	need to take notes in this case.	14	hear them talk about their
15	BY MS. WOOD:	15	advertising, what they use.
16	Q. And you're not aware of	16	So it served its purpose,
17	anyone else taking notes or recording the	17	but I don't recall specific
18	answers in any way?	18	answers, nor did I expect to use
19	MS. DEARBORN: Objection to	19	specific answers to -- for any
20	form. Asked and answered.	20	particular purpose, aside from
21	THE WITNESS: Right. Yeah,	21	what I said.
22	you -- as I said, that's correct.	22	BY MS. WOOD:
23	MS. WOOD: Why don't we	23	Q. Do you think keeping notes
24	take a break.	24	of interviews is a basic rule in data
Page 187		Page 189	
1	MS. DEARBORN: Sure.	1	preservation and proper research
2	THE VIDEOGRAPHER: Going	2	practice?
3	off the record at 12:43 p.m.	3	MS. DEARBORN: Objection to
4	- - -	4	form.
5	(Whereupon a luncheon	5	THE WITNESS: Such a
6	recess was taken.)	6	general question.
7	- - -	7	As I indicated, in cases
8	A F T E R N O O N P R O C E E D I N G S	8	where I used such interviews,
9	- - -	9	primarily, as I was working on
10	THE VIDEOGRAPHER: We're	10	research with my doctoral
11	going back on the record at	11	students, they did not take
12	1:34 p.m.	12	notes.
13	- - -	13	They listened to the people
14	CONTINUED EXAMINATION	14	they presented the research to,
15	- - -	15	whatever they are doing. And
16	BY MS. WOOD:	16	then we met in person and
17	Q. So before the break, we were	17	discussed their impressions.
18	talking about the 14 preliminary	18	They -- I don't recall
19	interviews, and I just want to make sure	19	anyone taking notes. I trusted
20	I canvass everything you recall about	20	their ability to give me the
21	those interviews.	21	overall impression that they had
22	With respect to the four to	22	in that particular -- on that
23	five high-spend advertiser interviews,	23	particular study.
24	what, if anything, do you recall about	24	BY MS. WOOD:

Page 322	Page 324
1 will remain confidential and no 2 one will know the respondent's 3 name, somehow Google will try to 4 find the name of respondents, 5 look for those who use only 6 Google and say, ah, that's a 7 great opportunity. We should 8 take advantage of the situation. 9 I think it's a very 10 nonsensical, inconceivable 11 scenario. I think I stand behind 12 the use of the term 13 "hard-pressed." 14 BY MS. WOOD: 15 Q. Do you know how many of the 16 survey respondents used Google Chrome to 17 complete the survey? 18 A. I don't recall asking that 19 question. Google Chrome? I don't know. 20 Q. Do you know how many survey 21 respondents have a Gmail address? 22 A. I don't. 23 Q. Do you know how many survey 24 respondents use the Gmail address to	1 MS. DEARBORN: Objection to 2 form. 3 THE WITNESS: No. 4 MS. WOOD: Let's take a 5 break. 6 MS. DEARBORN: Sure. 7 THE VIDEOGRAPHER: Going 8 off the record at 4:18 p.m. 9 (Short break.) 10 THE VIDEOGRAPHER: We are 11 going back on the record at 12 4:38 p.m. 13 BY MS. WOOD: 14 Q. Now, we've talked throughout 15 the day about the fact that each of your 16 three surveys asked respondents how they 17 would react to a "small but significant" 18 increase in the cost of advertising. 19 Do you recall that, 20 generally? 21 A. Yes. 22 Q. Okay. And you would agree 23 with me that "small but significant" is 24 an inherently subjective term, right?
Page 323	Page 325
1 identify themselves in connection with 2 the online survey? 3 A. What do you mean by that? 4 Q. How many respondents were 5 sent the survey to an address at 6 Gmail.com? 7 A. So AP -- just to -- I think 8 you know how it works, right? 9 AP sends an invitation to 10 prospective respondents and says, you 11 know, here is a link to a survey about 12 advertising. If you'd like to 13 participate, please click on this link. 14 Q. And how do they send that 15 invitation? Do they send it to people's 16 e-mail address? 17 A. Yes. 18 Q. And do you know how many of 19 those e-mail addresses were Gmail 20 addresses? 21 A. I don't. 22 Q. Did you ever talk to 23 customers about concerns about Google 24 retaliating against them?	1 MS. DEARBORN: Objection to 2 form. 3 THE WITNESS: It's a matter 4 of how individuals interpret or 5 understand this term, what it 6 means to them personally. 7 BY MS. WOOD: 8 Q. And because it's not 9 defined, there's no way to know what any 10 given respondent thought a "small but 11 significant price increase" actually 12 meant, correct? 13 MS. DEARBORN: Form. 14 THE WITNESS: No. No. 15 That's incorrect. That's 16 incorrect. 17 BY MS. WOOD: 18 Q. How do we -- how can we 19 determine what any given survey 20 respondent thought a small but 21 significant price increase meant? 22 A. Small and significant, they 23 are commonly used terms in the English 24 language. On the one hand, it's small as

Page 326	Page 328
1 opposed to large. And significant, as we 2 said earlier, it's not something that you 3 would ignore. Doesn't mean it would 4 affect you in any way, but it's something 5 you would consider.	1 Q. Do you think it was you? 2 A. I do not recall.
6 So I think it's a very 7 balanced term that I thought was a very 8 good choice for my survey.	3 Q. And as you sit here now, you 4 can't think of any other time, in your 5 30-plus-year career, that you've used 6 that exact phrase, "small but 7 significant"?
9 Q. Is "small but significant" a 10 term you've used in any other surveys 11 before this one?	8 A. I used different qualitative 9 terms, if you will, that have -- that 10 each person can interpret as it applies 11 to him or her.
12 A. I don't recall. I might 13 have.	12 Q. But that's not my 13 question --
14 Q. But you don't recall, as you 15 sit here now, having ever used that term 16 before?	14 A. But -- so I've used 15 individual terms once and never again, if 16 you will, in various surveys.
17 A. I've used other qualitative 18 terms, as opposed to numerical terms, 19 many times.	17 So it -- I'm not sure if I 18 ever used "small but significant." But, 19 as I said, I don't recall the details of 20 most of the surveys I've conducted.
20 Q. But I'm asking about the 21 specific term "small but significant." 22 Is that a phrase you've ever 23 used before?	21 Q. How often have you used the 22 phrase "small but significant" before 23 this case?
24 A. For each survey, I use -- I	24 A. I do not recall. I cannot
Page 327	Page 329
1 may use a different term. 2 Sitting here now, I don't 3 recall. But it's possible.	1 assess the number of times. 2 Q. And you would agree with me 3 that one respondent could have 4 interpreted the phrase "small but 5 significant" to indicate 5 percent, for 6 example, but a different respondent might 7 have interpreted that phrase to mean 35 8 or 40 percent, correct?
4 Q. And who came up with the 5 phrase "small but significant"?	9 MS. DEARBORN: Form. 10 THE WITNESS: Not at all.
6 A. I think it was something 7 that I discussed with Analysis Group, and 8 I found it was a very good term. And it 9 was also discussed with counsel.	11 As I said earlier, based on 12 my understanding of survey 13 takers' behavior and how they 14 answer questions, they will take 15 the term "small but significant" 16 as it -- as it means.
10 Q. Again, I don't want to know 11 about your conversations with counsel.	17 They will not go the extra 18 step and say, okay, let's 19 speculate that small but 20 significant is 3 percent, 21 30 percent, 10 percent. They 22 have no basis for doing that nor, 23 based on my experience, will they 24 do that.
12 MS. DEARBORN: Thank you. 13 BY MS. WOOD: 14 Q. But was the term "small but 15 significant" a term that you came up with 16 or that someone else came up with?	
17 A. So I don't recall, 18 specifically. I believe it was something 19 that my team at Analysis Group and I came 20 up with and then discussed with counsel.	
21 Q. Do you know whether it was 22 someone at Analysis Group or you that 23 first came up with the term?	
24 A. I don't recall.	

Page 330	Page 332
<p>1 That just calls for an 2 extra step. It's like, okay, 3 it's small, but it's something 4 that I would consider. It's 5 significant enough. And they 6 will decide accordingly.</p> <p>7 They will not go an extra 8 step, convert it to a specific 9 quantity, and then say, okay, 10 based on my speculation, my 11 answer is X. That's not what 12 survey respondents do.</p> <p>13 BY MS. WOOD:</p> <p>14 Q. Okay. I'm now me, Julia 15 Wood, sitting here, and I'm thinking of a 16 number that to me is small but 17 significant.</p> <p>18 A. So what -- what's the 19 question?</p> <p>20 Q. What's my number?</p> <p>21 MS. DEARBORN: Objection to 22 form.</p> <p>23 THE WITNESS: Is that a 24 real --</p>	<p>1 answering the question.</p> <p>2 BY MS. WOOD:</p> <p>3 Q. But if I come up with a 4 number that's small but significant to 5 me, that doesn't mean that same number 6 would be small but significant to you, 7 correct?</p> <p>8 A. I thought I just answered 9 that.</p> <p>10 No, you will not come up, 11 if -- I mean, obviously, you're involved 12 in this case, so you're not the typical 13 respondent.</p> <p>14 But speaking of typical 15 respondents, they would not start 16 speculating about a specific number. So, 17 therefore, it's not like one respondent 18 thinks about Number X and the other one 19 thinks about Number Y. What basis do 20 they have to -- for such speculations?</p> <p>21 Q. Regardless of the nature of 22 the speculation, it is possible -- strike 23 that.</p> <p>24 You say in your report at</p>
Page 331	Page 333
<p>1 BY MS. WOOD:</p> <p>2 Q. No, that's a real question. 3 I'm thinking of a number that's small but 4 significant. What's my number?</p> <p>5 A. It reminds me of games I'm 6 playing with my grandkids.</p> <p>7 Q. Good. Then you're 8 experienced at it.</p> <p>9 What's my number?</p> <p>10 MS. DEARBORN: Okay.</p> <p>11 Objection to form.</p> <p>12 THE WITNESS: I'm not sure 13 if you're -- I assume that you're 14 not asking that seriously.</p> <p>15 But as I said, I will -- I 16 would not think of a number that 17 you're thinking about, nor will I 18 come up with a number. It would 19 be sheer speculation. Therefore, 20 I will not engage in that.</p> <p>21 You told me it's small but 22 significant, and that's all the 23 information I have, and all the 24 information I will use when</p>	<p>1 Footnote 5, on Page 7, "This phrase, " 2 small but significant, "was designed to 3 leave it to the respondents to consider 4 their reaction, if any, if (what they 5 considered to be) 'a small but 6 significant' increase in the cost of 7 programmatic display advertising 8 occurred."</p> <p>9 Right?</p> <p>10 A. Right.</p> <p>11 Q. And then you say in 12 Footnote 65 of your report, on Page 39, 13 that "The balanced phrasing of 'small but 14 significant' avoids possible demand 15 effects whereby respondents might have 16 assumed that certain answers were 17 expected or preferred."</p> <p>18 Can you describe how "small 19 but significant" is balanced phrasing, in 20 your view?</p> <p>21 A. Okay. Small is usually 22 contrasted with big, and significant is 23 contrasted with insignificant.</p> <p>24 One goes in one direction,</p>

Page 358	Page 360
1 Q. Let's say, hypothetically, 2 that AdTech tools are -- represent 3 30 percent of the cost of a display ad. 4 A. Okay. 5 Q. And if you tell respondents 6 that the cost of display ads goes up by a 7 small but significant amount, but you 8 don't tell them that the 30 percent cost 9 of the AdTech tool goes up by a small but 10 significant amount, you are necessarily 11 causing the respondent to imagine a 12 higher increase in cost than if you had 13 them focus on the cost of the tool alone. 14 MS. DEARBORN: Objection to 15 form. 16 BY MS. WOOD: 17 Q. Do you understand that? 18 A. I understand the question. 19 Two things. A, the survey 20 tested what happens if they are told that 21 the cost of display advertising, or 22 programmatic display advertising, went up 23 by a small but significant amount. 24 That's what I tested. It is what it is.	1 have the data about the extent of 2 diversion. And if most 3 respondents say that it's between 4 7 and 10, it means that maybe if 5 it was lower than that, maybe the 6 scale numbers would range 7 between -- I don't want to 8 speculate. 9 Maybe they would have been 10 somewhat lower, but there still 11 would be substitution observed. 12 BY MS. WOOD: 13 Q. And by focusing on a higher 14 cost than the cost of the AdTech tools 15 alone, that has the potential to create 16 demand effect, does it not? 17 A. Not at all. It has nothing 18 to do with demand effect. 19 Q. If you were retained in a 20 case where the plaintiffs sued Ford for 21 monopolizing the market for truck 22 chassis, would you ask participants 23 about a potential increase in the price 24 of Ford trucks overall, or a potential
Page 359	Page 361
1 Furthermore, as you know, I 2 asked, later, the question about the 3 magnitudes of diversion to each one, on a 4 0 to 10 scale, and the most common 5 answers were between 7 and 10, which 6 means that respondents are thinking about 7 substantial increases. 8 So in case, let's say, it 9 was -- the actual increase was somewhat 10 lower, maybe the scale numbers would have 11 been somewhat lower than between 7 and 12 10. But there would still be diversion, 13 which is what my survey tested and 14 showed. 15 Q. But you agree that if your 16 survey had asked about a fraction of the 17 costs of display advertising increasing 18 and not all of the display advertising 19 cost increasing, you could expect to see 20 a different level of diversion than what 21 you got in your sample? 22 MS. DEARBORN: Form. 23 THE WITNESS: As I just 24 said, that's not the case. We	1 increase in the price of the truck 2 chassis? 3 MS. DEARBORN: Form. 4 THE WITNESS: Yeah, I take 5 survey design very seriously. 6 And if I were asked to conduct a 7 survey on this topic, I would 8 think about it and figure out 9 what's the right way to do. 10 Sitting here now, I cannot 11 design the right survey and, 12 therefore, cannot answer this 13 question. 14 BY MS. WOOD: 15 Q. But isn't the relevant 16 question whether the monopolized product 17 price changes, not whether some larger 18 price changes? 19 MS. DEARBORN: Objection to 20 form. 21 THE WITNESS: I hate to 22 repeat myself. 23 As I said, the survey 24 looked at the effect on

Page 386	Page 388
1 Q. Did you do anything during 2 this deposition, including on the last 3 break, to refresh your recollection about 4 the number of respondents who put ten 5 down as nonprofit? 6 MS. DEARBORN: And please 7 set aside communications with 8 counsel. 9 THE WITNESS: So I didn't 10 go back at the data. The answer 11 was pretty straightforward. I 12 just went back to my report and 13 thought about it. I said, well, 14 respondents could have indicated 15 that they were a nonprofit in 16 Question S8. However they were 17 excluded from the survey later, 18 for example, because they were 19 not using display advertising. 20 BY MS. WOOD: 21 Q. But you didn't look at data 22 to make that assessment. You just did 23 that based on inference? 24 A. Well, as I said, I	1 - - - 2 ***** 3 (Excused.) 4 (Deposition concluded at 5 approximately 5:53 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
Page 387	Page 389
1 personally counted the number of 2 nonprofit respondents in the data for 3 both the large -- large segment and small 4 segment. So I'm confident about that. 5 And there were ten 6 respondents in the large segment who 7 identified as being in a nonprofit. 8 Q. And what about government. 9 Is the number two for government an 10 accurate number, as far as you know? 11 A. I didn't look at government. 12 Q. Okay. And same for the 13 low-spend, you didn't look at government 14 there either? 15 A. No. 16 MS. WOOD: No further 17 questions, subject to the 18 reservation of rights. 19 MS. DEARBORN: And subject 20 to our prior discussion. 21 THE VIDEOGRAPHER: And we 22 are going off the record at 23 5:53 p.m. 24 Thank you.	1 2 CERTIFICATE 3 4 5 I HEREBY CERTIFY that the 6 witness was duly sworn by me and that the 7 deposition is a true record of the 8 testimony given by the witness. 9 10 It was requested before 11 completion of the deposition that the 12 witness, ITAMAR SIMONSON, Ph.D., have the 13 opportunity to read and sign the 14 deposition transcript. 15 16 17 18 19 20 21 22 23 24